

SOLANA BEACH CITY COUNCIL
REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY

JOINT **REGULAR** MEETING

MINUTES

6:00 P.M.
WEDNESDAY, JANUARY 13, 2010

CITY COUNCIL CHAMBERS
635 S. HIGHWAY 101,
SOLANA BEACH, CALIFORNIA

The City Council acts as the City of Solana Beach Redevelopment Agency and the Public Financing Authority.

CALL TO ORDER AND ROLL CALL:

Present: Campbell, Heebner, Kellejian, and Roberts.
Absent: Nichols.
Also Present: David Ott, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk
Dennis Coleman, Finance Director
Wende Protzman, Dir. Admin. Serv./Deputy City Mgr
Tina Christiansen, Community Dev. Dir.
Mo Sammak, City Engineer/Public Works Dir.

Mayor Campbell called the meeting to order at 6:00 p.m.

FLAG SALUTE:

Councilmember Roberts led the flag salute.

APPROVAL OF AGENDA:

MOTION: Moved by Roberts and seconded by Heebner to approve the agenda, except B.3. which would be pulled from the agenda, and pulling A.6.

from Consent and moving to the end of the agenda. **Motion carried 4/0/1**
(Absent: Nichols)

PROCLAMATIONS:

PRESENTATIONS:

(Ceremonial items that do not contain in-depth discussion and no action/direction.)

1. Green Building Recognition

David Ott, City Manager, introduced the item.

Danny King, Management Analyst, presented a PowerPoint presentation. He stated that Claire's on Cedros was in its final stage of LEED Platinum Certification, that the City was recognizing the Architect, JLC Architecture and the property owners for their contribution to the environmental sustainability of the City, that the Platinum Certification was the highest rating available from the U.S Green Building Council, and he introduced John Luis Coquereau and Tyler Van Sarlight from JLC Architecture.

John Luis, JLC Architecture, presented a PowerPoint presentation. He stated that Claire's on Cedros was a two building project, that the project had a good location, that light colored surfaces were used to keep the building cooler, that there was no shedding of water on the street due to the water being absorbed through the concrete, that light pollution control was used, that all the plumbing was high efficiency, that energy efficient appliances were used, and that recycled materials were used on the project such as reclaimed bricks.

Tyler, JLC Architecture, stated that LEED Certification was difficult, that the certification was pending, and that the LEED process provided guidelines for building an environmentally sustainable building.

Mayor Campbell, presented JLC Architecture and the property owners with a plaque for their project.

2. San Diego Gas & Electric

David Ott, introduced the item.

Claudia Valenzuela, Public Affairs Manager, San Diego Gas & Electric, stated that she could assist Staff with connecting to the correct SDG&E representatives with any concerns. She introduced Risa Baron to present on the deployment of the Smart Meters.

Risa Baron, Stakeholder Education Manager, SDG&E, stated that she worked with the City on energy efficiency programs, that Smart Meters would be installed in the City, that deployment of the Smart Meters began in December, and that the Smart Meter provided more information on energy consumption. She stated that there had been issues in the past with peak electric demand, that the goal was to give customers more access to their energy data and the ability to monitor energy data more efficiently, that it would allow SDG&E to respond quicker to power loss, that more customer service options were available, and that reductions in energy consumption would occur if people could monitor their energy use, that the deployment in the city would be finished in April, and that residents would receive communication regarding their installation dates. She reviewed long term plans for energy reduction and ways to access energy information on-line.

ORAL COMMUNICATIONS:

This portion of the agenda provides an opportunity for members of the public to address the City Council on items relating to City business and not appearing on today's agenda by submitting a speaker slip (located on the back table) to the City Clerk. Comments relating to items on this evening's agenda are taken at the time the items are heard. Pursuant to the Brown Act, no action shall be taken by the City Council on public comment items. Council may refer items to the City Manager for placement on a future agenda. The maximum time allotted for each presentation is THREE MINUTES (SBMC 2.04.190). Please be aware of the timer light on the Council Dais.

Joe Zucker distributed a packet to Council that included letters from various neighbors. He stated that he requested a permit to have a succulent nursery at his home on Seabright Lane, that a business permit had been previously denied, that this type of business was not allowed in area due to zoning, that he was requesting an administrative permit, that the nursery would not have an adverse effect on the area, and that there were six letters from neighbors in support of the nursery.

Dennis Devore stated that he lived on Seabright Lane, that he lived across the street from the nursery and that the nursery would not affect him.

David Ott, City Manager, stated that Staff denied the request due to the zoning of the area not permitting a nursery.

Council discussion ensued regarding adding this item to a future agenda and whether there was an area on the workplan for zoning issues.

David Ott, City manager, stated that any issues associated with zoning changes would be impacted by Proposition T.

Council discussion ensued regarding the zoning standards having to be changed in order for the nursery business to be in compliance with the zoning code, and that the item should be placed on a future agenda for discussion.

COMMUNITY ANNOUNCEMENTS:

Council made community announcements.

COMMENTARY:

A. CONSENT CALENDAR: (Action Items)

Items listed on the Consent Calendar are to be acted in a single action of the City Council unless pulled for discussion. Any member of the public may address the City Council on an item of concern by submitting to the City Clerk a speaker slip (located on the back table) before the Consent Calendar is addressed. Those items removed from the Consent Calendar by a member of the Council will be trailed to the end of the agenda, while Consent Calendar items removed by the public will be discussed immediately after approval of the Consent Calendar.

A.1. Waive the reading of Ordinances.

Recommendation: That the City Council

1. Approve waiving the text reading of ordinances on this agenda pursuant to Solana Beach Municipal Code Section 2.04.460.

MOTION: Moved by Heebner and seconded by Kellejian. **Motion carried 4/0/1**
(Absent: Nichols)

A.2. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the Regular and Special City Council meetings held August 26, 2009 and September 23, 2009.

MOTION: Moved by Heebner and seconded by Kellejian **Motion carried 4/0/1**
(Absent: Nichols)

A.3. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for November 21 - December 17, 2009.

MOTION: Moved by Heebner and seconded by Kellejian. **Motion carried 4/0/1**
(Absent: Nichols)

A.4. Re-establish the North County Transit District (NCTD) / Train Station Site Ad Hoc Committee. (File 0410-48)

Recommendation: That the City Council

1. Adopt Resolution 2010-002 establishing the NCTD/Train Station Site Ad Hoc Committee.
2. Appoint the past members of the prior committee (Heebner, Nichols) OR appoint two new Councilmembers.

MOTION: Moved by Heebner and seconded by Kellejian. **Motion carried 4/0/1**
(Absent: Nichols)

A.5. Proposed 2010 City Council Meeting Cancellations and Rescheduling. (File 0410-05)

Recommendation: That the City Council

1. Adopt Resolution 2010-001 authorizing the cancellation and/or rescheduling of Council meetings for the 2010 calendar year.

MOTION: Moved by Heebner and seconded by Kellejian. **Motion carried 4/0/1**
(Absent: Nichols)

A.7. California Statewide Communities Development Authority Joint Powers Authority (CSCDA). (File 0150-30)

Recommendation: That the City Council

1. Adopt Resolution 2010-007 authorizing the City to join CSCDA.

MOTION: Moved by Heebner and seconded by Kellejian. **Motion carried 4/0/1**
(Absent: Nichols)

A.8. Monthly Investment Reports. (File 0350-45)

Recommendation: That the City Council

1. Accept and file the attached Cash and Investment Reports for the months of July 2009, August 2009, and September 2009.

MOTION: Moved by Heebner and seconded by Kellejian. **Motion carried 4/0/1** (Absent: Nichols)

NOTE: The City Council shall not begin a new agenda item after 10:30 p.m. unless approved by a unanimous vote of all members present. (SBMC 2.04.070)

B. PUBLIC HEARINGS:

This portion of the agenda provides citizens an opportunity to express their views on a specific issue as required by law after proper noticing by submitting a speaker slip (located on the back table) to the City Clerk. After considering all of the evidence, including written materials and oral testimony, the City Council must make a decision supported by findings and the findings must be supported by substantial evidence in the record. An applicant or designees for a private development/business project, for which the public hearing is being held, is allotted a total of fifteen minutes to speak, as per SBMC 2.04.210. A portion of the fifteen minutes may be saved to respond to those who speak in opposition. All other speakers have three minutes each. Please be aware of the timer light on the Council Dais.

B.1. Amendment to Development Review Permit (DRP), Structure Development Permit (SDP) and Planned Unit Development (PUD) for a roof-top deck at 505 North Cedros Avenue, Case # 17-09-04, Applicants: Tad and Christa Keyser. (File 0600-40)

The proposed Project meets the minimum objective requirements under the SBMC, is consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve an amended DRP and PUD as well as administratively issue a SDP. Therefore, Staff recommends that the City Council:

1. Report Council disclosures;
2. Conduct the Public hearing: Open the Public Hearing, Receive Public Testimony, Close the Public Hearing;
3. Finding the project exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA

Guidelines; and

4. If the City Council makes the requisite findings and approves the project, adopt Resolution 2009-122 conditionally approving an amendment to DRP/SDP/PUD (Case No. 17-01-03) for a remodel/addition of an outdoor deck on an existing single-family, three-story residence at 505 North Cedros Avenue.

David Ott, City Manager, introduced the item.

Rich Whipple, Principal Planner, presented a powerpoint.

Council and Staff discussed the responses received, that there was one response received from a name that did not match the owner's name of a property, confirmed that since the property was located within the PUD (Planned Unit Development) that the standard zoning standards were not relevant at this time, that the PUD would have to be amended to make changes to its current standards, that the City Attorney said that since one of the correspondences received did not provide their address it could not be confirmed whether they were property owners, that there were 15 responses in favor, that one said No, and that one received was not clear if they were an owner.

Council agreed to provide the applicant 8 minutes to speak.

Craig Freihauff, architect, presented a powerpoint reviewing the modifications that were made with the help of Council's comments from the last meeting, the history of the project, and the initial changes made to the plans were made for marketing decisions when purchasing the property.

Tad Keyser, applicant, continued the presentation stating that they made three attempts to communicate with neighbors including certified mail, that 17 responses did not produce any negative views, and that one response shared a concern that it should not include all properties.

Council and City Attorney discussed the fact that Council had discretion of whether to amend the entire PUD or to all certain models or just one property within the PUD, that in other neighborhoods Council would not allow one property a different height limit outside the usual standard even though Council had discretion, that outside a PUD an applicant would apply to Council as a deviation from the zoning standards as a variance and could be subject to a public vote depending on the type of changes, and that the current proposal is for one application for this unit only.

MOTION: Moved by Heebner and seconded by Roberts to close the public hearing. **Motion carried 4/0/1** (Absent: Nichols)

Council shared their considerations which included that it was a nice idea but it would not be fair to approve this without including others since this was a planned unit development with specific standards, that some had concerns that they would not had purchased if there was a deck on their own model, that they appreciated the applicant doing the work and obtaining information from the neighbors, that he had been told that the developer removed the idea of the deck because it cheapened the development, that Council should not become a homeowners association for this area, that if 100% of the owners present the idea with their consensus then it would be a different consideration, that all the owners bought with a certain assumption of standards of what they were buying, that the PUD established the zone, that Council did not change the PUD but the developer made the changes at the development to eliminate the roof decks, that it would not be fair to those who already purchased these properties, and that Council would probably be open to considering it if all the owners could agree to make the change.

Councilmember Kellejian said that he disagreed with comments thus far, that the applicant had the figures required to gain consensus, that they all seemed supportive of the applicant's intention, and that the one without an opinion was not a disagreeable opinion.

Mayor Campbell stated that according to a final tally that no opinion or no response was provided by nine property owners.

MOTION: Moved by Roberts and seconded by Heebner to deny the project.
Motion carried 3/1/1 (Noes: Kellejian. Absent: Nichols)

Mayor Campbell recessed the meeting for a break at 7:30 p.m. and reconvened at 7:36 p.m.

B.2. Development Review and Structure Development Permits for 501 Mar Vista Drive, Case # 17-09-14, Applicant: Paul Bishop. (File 0600-40)

The proposed project meets the minimum objective requirements under the SBMC, is consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and administratively issue a SDP. Recommendation: That the City Council:

1. Report Council disclosures;
2. Conduct the Public hearing: Open the Public Hearing, Receive

Public Testimony, Close the Public Hearing;

3. Find the project exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines; and
4. If the City Council makes the requisite findings and approves the project, adopt Resolution 2010-003 conditionally approving a DRP and an administrative SDP for the project for a square footage addition and a substantial remodel at 501 Mar Vista Drive.

Deputy Mayor Heebner recused herself from the item living within 500 ft. of the project.

David Ott, City Manager, introduced the item. Corey Johnson, planner, presented a powerpoint reviewing the project.

Council reported disclosures.

Mayor Campbell opened the public hearing.

Paul Bishop, applicant, thanked staff, said that they had worked with the neighbors which resulted in no view assessment appeals filed, that he wondered if the sprinkler system requirement was citywide or specific to his project, and that otherwise, they were in agreement with all other conditions.

David Ott, City Manager, responded that it was a citywide requirement of additions of over 1,000 sq. ft.

Mayor Campbell said that there were not any letters received in opposition and that there was mail received from someone stating that her property information should be updated since she did not proceed with her last submitted plans to the City but that she was not against the project .

MOTION: Moved by Roberts and seconded by Kellejian to close the public hearing. **Motion carried 3/0/2** (Absent: Nichols Recuse: Heebner.)

MOTION: Moved by Roberts and seconded by Kellejian. **Motion carried 3/0/2** (Absent: Nichols Recuse: Heebner.)

B.3. Fiscal Year 2009-10 User Fee Amendment. (File 0390-23)

Recommendation: That the City Council

1. Receive report; and
2. Adopt Resolution 2010-005 establishing a new schedule of fees and charges for City services.

This item was pulled from the agenda.

B.4. Redevelopment Agency Five Year Implementation Plan Fiscal Year 2009-10 - Fiscal Year 2013-14. (File 0115-20)

Recommendation: That the City Council

1. Report Council disclosures.
2. Conduct the Public Hearing: Open the public hearing, Receive public testimony, Close the public hearing.
3. Adopt Resolution RDA 037 adopting the RDA 2009/10 - 2013/14 Five Year Implementation Plan

David Ott, City Manager, introduced the item.

Mayor Campbell stated that a letter was received from Catherine Rodman requesting that it be continued since she did not have adequate time to review the information.

David Ott, City Manager, said that irrespective of the request, that it may be a benefit for the public to hear the item for the information to be publicized.

Johanna Canlas, City Attorney, said that the City had complied with all required noticing requirements, being published 10 days prior to state law, and that the posting online is a courtesy, and that the plan was always available at all required places, City Hall.

Council reached majority consensus that all responsibilities were met and to proceed with the matter.

Dennis Coleman, Finance Director, presented a powerpoint (on file) reviewing the goals and financials and said that the plan would continue to be reviewed over a 2-3 year period focusing on five projects that would include La Colonia and Highway 101. He said that the adoption did not constitute approval for any specific project which would still require Council review and approval and that this adoption was an approval of the summary and the plan can be amended.

Council and Staff discussed the fact that the posted plan on the internet had odd pages posted without the even pages, that the official plan for review was in its entirety available, that the required legal noticing which included publications and postings were all met, and that the plan was available, as required, beginning on December 23, 2009 at City Hall.

Council had no disclosures to report.

Councilmember Kellejian said that he had a short discussion with the City Attorney and that he misunderstood what she had recommended and that he was satisfied with the comments and questions addressed.

Mayor Campbell opened the public hearing.

Councilmember Roberts stated he and the City Manager discussed the fact that the name could be changed from La Colonia Needs Assessment to La Colonia Park.

MOTION: Moved by Heebner and seconded by Roberts to close the public hearing. **Motion carried 4/0/1** (Absent: Nichols)

MOTION: Moved by Heebner and seconded by Roberts to approve with the modification to the reference to La Colonia Park, removing the language "needs assessment." **Motion carried 4/0/1** (Absent: Nichols)

C. STAFF REPORTS:

Submit speaker slips to the City Clerk

C.1. Award Affordable Housing Impact Nexus Study (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2010-008

- a. Authorizing the City Manager to execute the agreement with Keyser Marston Associates and the City.
- b. Appropriating \$52,000 from the Designated Fund Balance for Housing (Budget Unit 001-3419) into the Planning Department's Professional Services expenditure account (Budget Unit 001-5500-5550-6530).
- c. Authorizing the City Treasurer to amend the Fiscal Year 2009-2010 adopted budget accordingly.
- d. Approving the use of \$52,000 from the General Plan Update budget unit (459-9905-5550-6530).

David Ott, City Manager, introduced the item and stated that recent changes in state law had curtailed the City's ability to require affordable apartments be included in affordable housing and the City wished to conduct a study to review the impact of the market rate housing.

Johanna Canlas, City Attorney, presented a powerpoint (on file). She said that the City was committed to providing affordable housing in Solana Beach, but that changes in state law made it more difficult to meet that requirement. She reviewed some court rulings, that the City had issued a RFP (Request for Proposal) to study the economic nexus between consumption demand and needs of lower wage workers.

Tina Christiansen, Community Development Director, continued the powerpoint presentation. She stated that Staff reviewed the RFPs and made a recommendation, after analyzing content, scope and qualifications of the proposal, of Keyser Marston (KMA) and HR&A, which were deemed complete for further review. She said that Staff recommended KMA to perform the study.

Mr. Marrow, Keyser Marston, Sr. Principal, said that he had 20 years specializing in affordable housing, that they understood the recent court decision, and that they had performed studies in several other cities.

Council and Mr. Marrow discussed the potential for withstanding legal challenge and that they had participated in court challenges.

MOTION: Moved by Heebner and seconded by Roberts. **Motion carried 4/0/1** (Absent: Nichols)

C.2. Appoint and Elective Annual Review of Council Boards, Committees, & Commissions. (File 0410-05)

Recommendation: That the City Council

1. Appoint annual term to the City Selection Committee.
2. Review all other current Council positions and provide any changes to the current listings chart.
 - a. Regional Boards, Commissions, and Committees (Attachment 2)
 - b. Council Standing Committees
 - c. Council Ad Hoc CommitteesIn the event of changes to any of the following Boards, Committees, or Commissions, separate votes for each will

be required to ensure that the motioners are not the same as those nominated, due to the fact that these groups receive stipends.

- * North County Dispatch JPA
- * North Transit District
- * Regional Solid Waste Association
- * SANDAG
- * San Elijo JPA

David Ott, City Manager, introduced the item.

MOTION: Moved by Campbell and seconded by Kellejian to appoint Roberts to the City Selection Committee for 2010. **Motion carried 4/0/1** (Absent: Nichols)

C.3. Introduce (1st Reading) Ordinance 411 the San Diego County Code of Regulatory Ordinances. (File 0410-80)

Recommendation: That the City Council

1. Introduce Ordinance 411 deleting and amending certain sections, and amending the names of certain sections and chapters, of the SBMC, which sections and chapters of the SBMC relate to adopting and incorporating, by reference, certain provisions of the County Code.

David Ott, City Manager, introduced the item.

Johanna Canlas, City Attorney, read the title of the ordinance.

MOTION: Moved by Roberts and seconded by Campbell to introduce the ordinance. **Motion carried 4/0/1** (Absent: Nichols)

A.6. City Donation Policy. (File 0410-90)

Recommendation: That the City Council

1. Adopt Resolution 2010-004 establishing a City Donation Policy.

This item was pulled from Consent by Council for discussion.

David Ott, City Manager, introduced the item.

Danny King, presented a powerpoint.

Council and Staff discussed adding the definition of real property, adding the reference to art, how to handle a donation in conjunction with a project up for approval, what value amount would initiate getting someone's name out, and to add the options into the policy of remaining anonymous.

WORKPLAN COMMENTS:

(Adopted June 24, 2009)

COMPENSATION & REIMBURSEMENT DISCLOSURE:

GC: Article 2.3. Compensation: 53232.3. (a) ... Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel. 53232.3 (d) Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

Council reported disclosures.

COUNCIL COMMITTEE REPORTS:

Council reported committee updates.

Regional Committees: (outside agencies)

- a. City Selection Committee - Roberts (meets twice a year).
- b. County Service Area 17 - Campbell, Nichols (alternate).
- c. Escondido Creek Watershed Authority - Nichols, Roberts (alternate).
- d. League of Ca. Cities' San Diego County Executive Committee - Roberts, Kellejian (alternate) and any subcommittees.
- e. League of Ca. Cities' Local Legislative Committee - Roberts, Kellejian (alternate).
- f. League of Ca. Cities' Coastal Cities Issues Group (CCIG) - Kellejian, Roberts (alternate).
- g. North County Dispatch JPA - Nichols, Campbell (alternate).
- h. North County Transit District - Roberts, Heebner (alternate).
- i. Regional Solid Waste Association (RSWA) - Nichols, Kellejian (alternate).
- j. SANDAG - Heebner (Primary), Roberts (1st alternate), Nichols (2nd alternate) and any subcommittees.
- k. SANDAG Shoreline Preservation Committee - Kellejian, Roberts (alternate).
- l. San Dieguito River Valley JPA - Roberts, Nichols (alternate).
- m. San Elijo JPA - Campbell, Roberts (both primary members) (no alternates).
- n. 22nd Agricultural District Association Community Relations Committee -

Campbell, Roberts.

Standing Committees: (All Primary Members) (Permanent Committees)

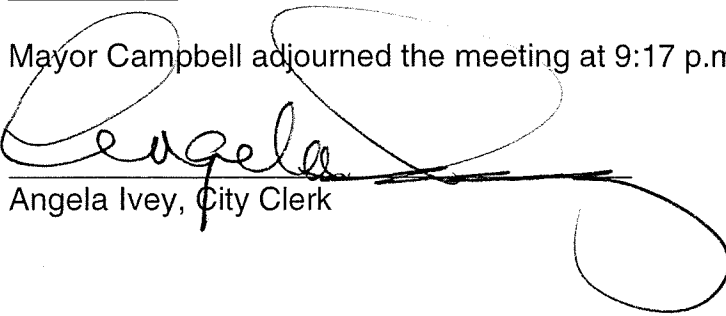
- a. Business Liaison Committee - Roberts, Campbell.
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Heebner, Roberts.
- d. Public Arts Committee - Roberts, Nichols.
- e. School Relations Committee - Roberts, Campbell.

Ad Hoc Committees: (All Primary Members) (Temporary Committees)

- a. Army Corps of Engineers & Regional Beach Nourishment - Kellejian, Campbell. Expires December 8, 2010.
- b. Development Review - Nichols, Heebner. Expires November 17, 2010.
- c. Environmental Sustainability - Roberts, Heebner. Expires December 8, 2010.
- d. Fletcher Cove - Campbell, Heebner. Expires November 17, 2010.
- e. La Colonia Park Needs Assessment - Nichols, Heebner. Expires May 26, 2010.
- f. Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 10, 2010 or at the California Coastal Commission adoption.
- g. NCTD / Train Station Site Project Ad Hoc Committee - Heebner, Nichols. Expires 1-13-2010
- h. View Assessment - Nichols, Heebner. Expires August 25, 2010

ADJOURN:

Mayor Campbell adjourned the meeting at 9:17 p.m.



Angela Ivey, City Clerk

Approved: October 26, 2011